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ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

July 1, 2003

PUBLIC HEARING: Stephen Parks, 30 Rockwell Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Stephen Parks, 30 Rockwell Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Rural B District, to allow the construction of a farmer's porch 45 ft. from the northerly sideline of Rockwell Drive upon property located at 30 Rockwell Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 48 as Plot 22-15.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuier and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. Parks: Good evening.

Mr. George: Good evening, state your name for the record please.

Mr. Parks: Stephen Parks. Essentially, there is only one change to what you have read. Since we've had the plans drawn up, it will be 47 ft. instead of the 50 ft. required as I understand it that is required under the zoning. Currently, my house is set 54 ft. back. We're proposing a 7 ft. farmers porch.

Mr. George: So, it's 47 ft.?

Mr. Parks: Forty-seven feet, correct.

Mr. George: Instead of the 45 ft.?

Mr. Parks: Instead of 45 ft., correct.

Mr. George: Do any board members have any questions on this?

Ms. Murphy: Have you talked to you neighbors about it?

Mr. Parks: Yes, they're in favor of this, I hope. I don't see any of them here.

Mr. Gordon: You're across the street from where we granted a pool last year?

Mr. Parks: Correct.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Are there any other questions from any of the board members? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Stephen Parks, 30 Rockwell Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Rural B District, to allow the construction of a farmer's porch 47 ft. from the northerly sideline of Rockwell Drive upon property located at 30 Rockwell Drive.

The board reviewed the Park's plans to construct a "Farmers Porch" along the front of his home and found that the reduction of the minimum front yard setback by 3 ft. for such an open structure would not seriously depart from the intent of the Zoning Bylaw. They noted that there is a curvature to the layout of Rockwell Drive along part of the frontage of this lot which results in only a small portion of the porch extending beyond the setback line. It was their opinion that, in this instance, the literal application of the applicable terms of the bylaw would impose a hardship to the appellant and that the issuance of the relief requested would have no impact upon the welfare of the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Michael & Lisa Razzano, 5 Bonnie Dell Lane, Shrewsbury, MA.

PURPOSE: To hear the appeal of Michael and Lisa Razzano, 5 Bonnie Dell Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Rural A District, to allow the construction of an addition 40 ft. from the rear lot line of property located at 5 Bonnie Dell Lane. The subject premises is described on the Shrewsbury Assessor's Tax Plate 18 as Plot 35-3.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. George: Mr. Razzano, just state your name and what it is that you would like to do.

Mr. Razzano: Michael Razzano. I'm looking for a 10 ft. variance. Actually, I've got 42 ft. from the property line right now. I'm trying to put in an enclosed, built-in pool. Right now, I'm 42 ft. from the property line with the building that I'm going to add on. That's it.

Mr. George: Do you have any plans of what you would like to build?

Mr. Razzano: Yes.

Mr. Razzano showed the plans to the board.

Mr. George: We have that. We'll just take a look at this.

Mr. Razzano: Actually, it's less than 10 ft. I wanted the 10 ft. just to be sure.

Mr. George: Just to be on the safe side?

Mr. Razzano: Yes.

Mr. George: I'll just pass this around and see if there are any questions.

Mr. Razzano: Sure.

Mr. Gordon: Will the porch be coming down?

Mr. Razzano: The porch?

Mr. Gordon: The porch on the back of your house.

Mr. Razzano: Oh, yes.

Mr. Gordon: The porch will come down?

Mr. Razzano: Yes, definitely, definitely.

Mr. George: Did you notify any of your neighbors about what you are doing?

Mr. Razzano: Just the people on both sides. They have no problem with it. There is nobody behind me. I didn't think to ask the people across the street. But the two, the one on the right and the one on the left, they have no problem with it.

Mr. George: If you took a look at this already, this is where the existing porch is. So, he's just tearing the porch off and coming off of this end. It's on the part of the lot where you have the most back yard.

Mr. Razzano: I had it surveyed and that's the spot that has the most land towards the back. If I went more to the right, I would need more of a variance. It's way to the left. That's where I have the most depth to the lot.

Mr. Gordon: Will this go up to the existing roofline?

Mr. Razzano: Yes, it's designed to tie into it.

Mr. Gordon: Okay, so it will be 2 stories?

Mr. Razzano: Not all the way up, no. Actually, it's going to tie into the building, but it's not going to be as high as the existing roof on the porch.

Mr. Gordon: So, it won't be visible except to the one neighbor?

Mr. Razzano: They really can't see it because there's a big buffer zone. There's really nothing in the back or on the sides. You can't see anybody, really, to the right or left.

Mr. Gordon: And, you've got 2 easements on your property, correct?

Mr. Razzano: Yes.

Mr. George: A drainage easement?

Mr. Razzano: Yes.

Mr. Gordon: You also have a lot of wetlands back there, true?

Mr. Razzano: Yes.

Mr. Gordon: So, there's a hardship in the topography of the land, would you say?

Mr. Razzano: Well, yes.

Mr. George: I'd say that, if there are a couple of easements there, that is a hardship.

Mr. Razzano: There are a couple of easements there. That's up to you.

Mr. Gordon: No, it's up to the statutes.

Mr. Gordon: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michael and Lisa Razzano, 5 Bonnie Dell Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Rural A District, to allow the construction of an addition 40 ft. from the rear lot line of property located at 5 Bonnie Dell Lane.

The appellant proposes to construct an addition to the rear of his home that will enclose an inground swimming pool. The structure will extend, at its closest point, to within approximately 40 ft. of the property's rear lot line. The board noted that the area to the rear of this parcel is over 19 acres in area with the closest structure thereon more than 500 ft. away. They also noted that the configuration of Mr. and Mrs. Razzano's property is somewhat irregular and is encumbered by an easement and they found that the imposition of the minimum setback under such circumstances would impose a severe hardship to them in their plans to expand their home. It was their opinion that the reduction of the rear yard setback abutting such a large tract of vacant land would neither seriously depart from the intent of the Zoning Bylaw nor create any condition that adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Town of Shrewsbury, 122 South Quinsigamond Avenue,
Shrewsbury, MA.

PURPOSE: To hear the appeal of the Town of Shrewsbury, 100 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section III, Subsection E, to allow the construction of a new police boathouse and related appurtenances upon property located at 122 South Quinsigamond Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 38 as Plot 31.

PRESENT: Paul M. George, Chairman Pro-tem, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Gordon: Mr. Chairman, I have to absent myself. I'm an abutter to the town.

Mr. George: Okay.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. Hale: Thank you. My name, Mr. Chairman, is Michael Hale. I'm the Assistant Town Manager.

Mr. George: Before we get started, I just want to let you know that we only have 4 board members this evening. You will have to get 4 board members to approve it.

Mr. Hale: Okay.

Mr. George: Are you going to go forward anyway?

Mr. Hale: We'll proceed.

Mr. George: Okay.

Mr. Hale: Again, my name is Michael Hale. With me this evening is Bob Cox, the Superintendent of Public Buildings. The photo that I passed out to you is the existing police boathouse, which is in dyer straights. In fact, for all intents and purposes, it's been condemned. So, it's beyond its useful life. The property in question at 122 South Quinsigamond Avenue is the former rowing storage building that was situated there prior to the Donahue Rowing Center. Around 1992, we tore that building down. The only remaining use for that parcel today was the existing police boathouse, which you see before you.

There is definitely a need for a police boat on the lake, not only for the traffic from the residents who live on the lake, but also for the traffic that uses the 2 or 3 different public access points onto the lake. I spoke to our boat attendant at the Corazzini Boat Ramp this morning. He informed me that on Saturday he thought that there were between 85 and 90 launches just from that one section from the 9:00 to 5:00 hours of operation that we staff the facility on weekends. So, there is a lot of boat traffic and there is a need for a police presence on the lake.

You see the condition of the existing facility. What we would like to do is to build a new facility. This is the existing footprint here. This is the land and South Quinsigamond Avenue is here. You enter the property and there are some steps down to the existing building. We would like to push the new building slightly further out into the lake and create a 2-bay storage building as opposed to the existing 1-bay. The proposed building will be about 28 ft. x 30 ft. in dimension and it will have 2 garage doors. It's anticipated that the siding will be cedar and the decking will be some type of pressure treated lumber.

Mr. George: What's the size of the existing building right now?

Mr. Hale: I'd say that it's probably 500 to 600 sq. ft.

Mr. Cox: It's 600 to 800 sq. ft.

Mr. Hale: It's slightly smaller than one bay.

Mr. George: What's this going to be constructed out of?

Mr. Hale: There will be pilings put in, pressure treated decking, cedar walls and siding and the roof will either be a metal roof or asphalt shingles. We haven't gotten that far along in the design. The project requires Conservation Commission approval. Because the facility is more than 600 sq. ft., there's a lengthy review process by D.E.P. under Chapter 91A, Waterways Permitting, which is a fairly lengthy process that requires sign-offs by the Conservation Board, the Planning Board and your board.

Mr. George: What will you be doing for securing this building so that there is no access to it from the public?

Mr. Hale: There is a gate from South Quinsigamond Avenue that would prohibit vehicular traffic when the facility isn't in use. There will be garage doors that will shut that will keep people from entering from the water itself.

Mr. George: How about foot traffic going down into there?

Mr. Hale: It is difficult to get onto that parcel because of the fencing along the roadway.

Mr. Cox: The interior of the building will more than likely have an alarm. The old building did have an alarm at one time. I'm sure that we would want to do that just for the equipment that's in the building.

Mr. George: Do any board members have any questions?

Ms. Murphy: Your petition indicates "the construction of a boathouse and appurtenances." What would that include?

Mr. Cox: The appurtenances are probably the walkway. We would have to extend an area power line down to the boathouse.

Mr. Hale: The building will look something like this. There will be some walkways along the side. From the land itself, there will probably be 15 or so steps because it's down a pretty steep banking. For emergency purposes, should the need be to drop off someone who is handicapped, we would use the Donahue Rowing Center.

Mr. George: Instead of the boathouse?

Mr. Hale: Correct.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Are there any other questions from board members? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of the Town of Shrewsbury, 100 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section III, Subsection E,

to allow the construction of a new police boathouse and related appurtenances upon property located at 122 South Quinsigamond Ave.

The subject property currently is currently utilized predominately by the Shrewsbury Police Department to house their patrol boat. Prior to the construction of the Donahue Rowing Center, this site was also occupied by a larger building that housed the rowing shell, boats and equipment used by the high school crews and other various organizations. The existing boathouse is in a state of disrepair and, in accordance with Article 23 as presented at the 2003 Annual Town Meeting Warrant, an appropriation was voted authorizing the replacement of this structure. The new boathouse will be slightly repositioned towards the center of the lake and will accommodate two boat bays.

Upon review of the this appeal, the board found that the removal of the existing boathouse and its replacement with a modern facility would greatly enhance the police department's ability to access and patrol Lake Quinsigamond as well as protect its personnel and equipment. It was their opinion that the construction of the new boathouse would not materially alter the current use of this site and that the granting of the special permit was in complete accord with the intent of the Zoning Bylaw in regulating land used for municipal purposes. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Elizabeth Stone, 33 Park Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Elizabeth Stone, 33 Park Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an above ground swimming pool 7 ft. from the side lot line of property located at 33 Park Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 22 as Plot 105.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. L'Ecuyer: I have to recuse myself on this one.

Mr. George: Okay.

Ms. Stone: He's the only friend I have and he has to leave.

Mr. George: State your name for the record please.

Ms. Stone: Elizabeth Stone.

Mr. George: Please tell us what you would like to do.

Ms. Stone: Put in a 24 ft. round pool, basically, is what it said. I already have an existing fence that I have up. Once the pool goes in, I can finish putting the rest of my fence up coming this way. My neighbor next door has no problem with it. As a matter of fact, he was going to write a letter for me and I never caught up with him. There's also a fence in back of it. It's got a retractable ladder. It's just that it's about the most convenient place in my yard to put it. No matter where I put it in my yard, I have to get variance.

Mr. George: It's pretty close to the rear.

Ms. Stone: Well, it's not too close to the railing.

Mr. George: It comes to the rear lot line?

Ms. Stone: Actually, the fence that's in the rear lot line is 2 ft. on my property already. I've already spoken to her about it because I had to have the land surveyed when I put on the big addition. When they put the fence up, I had asked the guy when they were putting it up not to put it there because it was on my property. I came home and that was where the fence was. So, it's been sitting 2 ft. on my property. So, my property goes beyond the fence that's there. So, from where the pool is to the fence is, there is almost 28 ft. because my house is almost 28 ft. I had to get a variance for that because I didn't have 40 ft. from the back property line. There's a big stockade fence there now already.

Mr. George: Do any board members have any questions?

Mr. Gordon: What about the Stephands? Are they the people who have the fence.

Ms. Stone: They're the people who live in back of me. They're the ones that own the fence.

Mr. Gordon: Okay, and they're not here tonight?

Ms. Stone: No.

Mr. Gordon: Okay. The Grandquists wouldn't be affected?

Ms. Stone: No, no. She's got here fence 2 ft. on my property, also. Everybody likes my property; they just keep closing in on me.

Mr. Gordon: You say the Gannons were going to write a letter for you saying they had no problem with this?

Ms. Stone: It's not the Gannons who are there anymore. It's now the Germans, Greg and Martha German. They're actually the Gannon's niece and nephew. He doesn't care.

Mr. George: Is there anything else, Mel?

Mr. Gordon: No. All this is going to be finished up?

Ms. Stone: Yes, it's all going to be fenced in. There is one part of the fence that's up but I can't put the other part up until the pool is put in.

Mr. Gordon: How close will this be to the deck?

Ms. Stone: It's, maybe, 4 ft. It's not close enough that they can jump from the deck into the pool.

Mr. Gordon: That's what I was going to ask. So, it isn't close enough so that kids could jump in?

Ms. Stone: No. I only have 2 and they're 10 and 13 years old.

Mr. Gordon: That's the worst age for that, though.

Ms. Stone: One of them is afraid of the water and doesn't like to swim.

Mr. George: Is this the type of pool that has fencing along the top of it?

Ms. Stone: No, but I could put it on if I decide that I want to do it. It depends on my mood.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Do any board members have any questions? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Elizabeth Stone, 33 Park Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an above ground swimming pool 7 ft. from the side lot line of property located at 33 Park Street.

The board found, upon review of the appellant's proposal to site an above ground swimming pool within the northeast corner portion of her property, that there is no other practical location upon the premises to place the pool in conformance with the minimum requirements of the Zoning Bylaw. They noted that, due to the shape of the lot and the positioning of the existing structure thereon, the property has virtually no rear yard and they felt that the imposition of the applicable minimum setback requirements would impose a substantial hardship to Ms. Stone. It was their opinion that the placement of

this accessory structure 7 ft. from the side lot line would not significantly derogate from the intent of the bylaw or unduly impact the welfare or either the general public or abutting residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: George Malits, 19 Topsfield Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of George Malits, 19 Topsfield Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence A District, to allow the construction of an addition 16 ft. from the easterly sideline of Topsfield Circle upon property located at 19 Topsfield Circle. The subject premises is described on the Shrewsbury Assessor's Tax Plate 46 as Plot 128.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. Malits: Good evening, my name is George Malits. As you can see from the top sheet that I handed you, what my wife and I would like to do is extend the existing 1-car garage into a 2-car garage. Given that it's a corner lot, it must meet front the yard setback for the 2 separate property lines. This will put us too close to the property line, as you can see on the sheet, on one side.

Mr. George: Are there any questions from the board members?

Mr. Rosen: It looks pretty straight forward.

Mr. George: Yes. Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of George Malits, 19 Topsfield Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard

Requirement, Residence A District, to allow the construction of an addition 16 ft. from the easterly sideline of Topsfield Circle upon property located at 19 Topsfield Circle.

The appellant's property is situated within the interior notch of Topsfield Circle and, as a result of its configuration, is subject to 2 front yard setbacks. Mr. Malits proposes to expand his existing single car attached garage which would, at its rear outside corner, extend to within just over 16 ft. from the sideline of Topsfield Circle.

The board found, in considering Mr. Malits' appeal, that the unique configuration of his property and the layout of his existing home do not permit the expansion of the aforementioned garage in conformance with the applicable requirements of the Zoning Bylaw. It was their opinion that, in this instance, the literal application of the terms of the applicable zoning requirement would impose a substantial hardship to the appellant and that the reduction of the minimum front yard setback along the parcel's secondary frontage would not significantly depart from the intent of the bylaw. The board found that the construction and use of the second garage bay would not create any condition which would adversely affect the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Mark Supernor, 20 Topsfield Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Mark Supernor, 20 Topsfield Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirements, Residence A District, to allow the construction of additions 22 ft. and 12 ft. from the front and side lot lines, respectively, of property located at 20 Topsfield Circle. The subject premises is described on the Shrewsbury Assessor's Tax Plate 46 as Plot 125.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. George: State your name for the record please.

Mr. Supernor: It's Mark Supernor. Actually, I have another change that I have to address. But regardless, at this time what I was looking for was a front setback of 22 ft., roughly infringing upon the 30 ft. setback by 8 ft., and a side setback of 12 ft. infringing

upon that by just less than 8 ft. In addition, I was speaking with Mr. Alarie about a week or so ago while he was at my house doing an inspection. In this process of the variance for what I'm looking at, I realized that my addition that I put on last year is actually infringing upon the front setback. I think it's about a foot in the corner. You can see it by the way the drawing's been hatched. The original house, as it sat, was already within the 30 ft. setback on one corner. Then I did a 6 inch overhang off of the front on my 2nd floor addition which further impeded it. The original drawing, when I went for the permit on that, was an original plot plan that I just scaled off of. Everything by the numbers off of the scale was saying that 6 inches was going to be in by at least a foot. But, since I was just recently surveyed and I got the drawings from the surveyor, I realized that I was within my setback with the existing and the addition.

Mr. George: What's the addition that you are going to be putting on? Is it going to be another garage?

Mr. Supernor: Correct. It's a second garage with a room above and then a farmers porch across the front. As I stated in my original letter, the plan was that the room above the garage was always intended; however, the construction of the garage, as it exists now, does not have sufficient footings to be able to support a second floor. So, regardless of an extension of the garage for a 2-car or not and to put a room above it, the existing garage would have to come down.

Mr. George: Your plan is to keep it the way it is?

Mr. Supernor: My plan is to extend the garage over 1 bay and then go up from there.

Mr. George: Do any board members have any questions?

Mr. Gordon: How wide is the farmers porch?

Mr. Supernor: The request was for 5 ft. which, after doing a little more research into farmers porches, is more than normal. There're between 3.5 and 5 ft. Five feet has been the extreme from what I've seen.

Mr. Gordon: Is that 5 ft. from the bottom level?

Mr. Supernor: That's 5 ft. from the bottom level, correct.

Mr. Gordon: And, the roof coming over it will only extend over the 5 ft. of the bottom level, correct?

Mr. Supernor: Correct. The way the roof lines will meet, the top of the roof for the farmers porch will actually be hitting the top floor which is extended out, but the 5 ft. would be off of the first floor.

Mr. Gordon: So, the hypotenuse won't be more than the bottom coming out?

Mr. Alarie: Actually, roof overhangs are exempt from the setback requirements. It's really to the base of the structure.

Mr. Gordon: Okay, so we don't have to worry about that.

Ms. Murphy: So, the portion that extends about 6 inches over we don't have to worry about?

Mr. Alarie: Well, that has to be addressed. That's part of this. If you allow him the variance to be 22 ft. for the farmers porch, that will incorporate the second story structure into the front setback. That will reduce his front yard requirement to 22 ft.

Ms. Murphy: But, only as to that addition. That's my question. Do we cover both with the advertisement if the rest of the building is not in conformance with the setback and it has not been advertised?

Mr. Alarie: No, the advertisement is fine because, if you were to grant the appeal, his front yard setback is reduced for the porch that would extend to within 22 ft. That would incorporate into it the second story addition, which is 6 inches into the setback. I think that, if you look at his property, you'll see that, because of the curvature of Topsfield Circle and with no sidewalks there, there's a great distance between the property line and the actual edge of the road. It more than appears to be in conformance. But, the bottom line is that, if you grant him the variance to allow the setback 22 ft. from Topsfield Circle, that will cover both the porch and the second story.

Ms. Murphy: Of the house proper and not just the addition?

Mr. Alarie: Both would be covered.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Do any board members have any questions? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Mark Supernor, 20 Topsfield Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirements, Residence A District, to allow the construction of additions 22 ft. and 12 ft. from the front and side lot lines, respectively, of property located at 20 Topsfield Circle.

The appellant proposes to construct a farmer's porch to the front of his house and will also be removing a single car garage attached to the westerly side of the structure and, in its place, constructing a two-car garage with a room above it. Due to the curvature in the layout of Topsfield Circle, the porch will encroach into the front yard setback by varying distances, the closest being approximately 22 ft. Likewise, the proposed garage is at an angle to the side lot line and the setback for that proposed structure varies from 12 ft. at its front corner to about 16 ft. at its rear corner. Recently, Mr. Supernor constructed a

second story addition to his home and has found that a new survey of his property indicates that there is an approximately 6 in. encroachment beyond the 30 ft. front setback line along a small portion of the front wall of this addition.

The board found, upon review of the appellant's presentation and plans, that the literal application of the minimum provisions of the Zoning Bylaw would present an undue hardship to Mr. Supernor in his desire to expand and improve his residence. They noted that the Topsfield Circle neighborhood was developed prior to the adoption of the current zoning requirements and that many of the properties therein are nonconforming in various regards. It was their opinion that, in this instance, the reduction of the aforementioned setbacks would not seriously depart either from the intent of the bylaw or the general character of this neighborhood. Furthermore, they felt that the proposed improvements to this property would not create any condition which would be harmful or injurious to the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Jerry and Stacey Hagge, 90 Grove Street Shrewsbury, MA.

PURPOSE: To hear the appeal of Jerry and Stacey Hagge, 90 Grove Street, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirement, Residence A District, to allow the construction of an addition 17 ft. from the westerly sideline of Hawthorne Road and 14 ft. from the northerly side lot line of property located at 90 Grove Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 46 as Plot 88.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. George: Please state your name for the record and tell us what you would like to do.

Mrs. Hagge: Stacey Hagge. We would like to build a 2-car garage with a room above.

Mr. George: Do you have any plans that you would like to present to us?

Mrs. Hagge: We submitted them when we applied for the permit. I wasn't aware that I needed to bring them tonight.

Mr. Alarie: You submitted a building permit application or just the plot plan?

Mrs. Hagge: When we submitted the appeal.

Mr. Hagge: Yes. I left plans.

Mr. L'Ecuyer: This is at the edge of Hawthorne Road, which is the road to Shrewsbury Hunt?

Mr. George: Yes, Shrewsbury Hunt.

Mr. Gordon: Or, Prospect Hill. The road was cut there after these two houses were there. We gave the variance earlier this year to Mr. Thomas who is right across the street.

Mr. George: Yes, he did a 2-car garage?

Mr. Alarie: I've looked and I don't have anything on file in the form of a building permit application.

Mrs. Hagge: You want the actual plans for the addition?

Mr. George: Of what you plan on doing and connecting to the house.

Mrs. Hagge: Oh, do you want us to go get them?

Mr. George: Well, we usually like to view what is being done.

Mrs. Hagge: Can we reschedule then?

Mr. George: No.

Mr. Gordon: Where are they, at your home?

Mrs. Hagge: Yes.

Mr. Gordon: We've only got 2 more hearings. Can you get them and be back in time?

Mr. George: We've got 2 more hearings. She should have enough time if she wants to go get them.

Mr. Gordon: Could you go get them and bring them back?

Mrs. Hagge: Sure, that's no problem.

Mr. Gordon: Can we move to continue this until after the 8:00 hearings?

Mr. George: Yes.

Mr. Gordon: Okay.

Mrs. Hagge: We'll be right back.

Mr. George: Ms. Hagge, do you have your plans for us to look at now?

Mrs. Hagge: Yes. I do believe Jerry left the other set here. We have one more of those. I think when he applied for the variance he said that he did leave them.

Mr. Hagge: Yes, I left them with the town clerk.

Mrs. Hagge gave the plans to the board for review.

Mr. George: I'm glad you went back for these. We like to see what we're deciding on.

Mrs. Hagge: Oh, that's fine. My apologies for not bringing them.

Mr. George: Are there any questions on the addition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Jerry and Stacey Hagge, 90 Grove Street, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirement, Residence A District, to allow the construction of an addition 17 ft. from the westerly sideline of Hawthorne Road and 14 ft. from the northerly side lot line of property located at 90 Grove Street.

Upon review of this appeal, the board found that, due to the unique configuration of the subject property, its siting as a corner lot and the vast amount of its land area that is encumbered by an electrical power transmission line easement, the application of the minimum dimensional controls set forth in Table II to this parcel would present an undue hardship to the appellants. It was their opinion that the reduction of the aforementioned setbacks would not significantly derogate from the intent of the Zoning Bylaw and that the construction and occupancy of the proposed addition would not create any condition that would detrimentally impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Jeffrey and Karen Jervah, 11 Crane Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Jeffrey and Karen Jervah, 11 Crane Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 14 ft. from the northerly sideline of Audubon Drive upon property located at 11 Crane Circle. The subject premises is described on the Shrewsbury Assessor's Tax Plate 25 as Plot 47-31.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. George: Just state your name for the record, please.

Mr. Jervah: I'm Jeffrey Jervah.

Mr. George: Can you tell us what you plan on doing?

Mr. Jervah: We're looking to put in a 16 ft. x 32 ft. inground pool in the back yard. Apparently the reason for being here is that there is a stipulation that says that an inground pool cannot be located less than 20 ft. from the property line on a front yard. Because of the way that our development was built, Audubon Street runs behind our house which is, actually, a main thoroughfare in addition to Crane Circle which is where we have our driveway and our mailbox. Both are considered to be front yards for some reason. So, we're here asking that that 20 ft. restriction be limited or be waved so that we could put that pool inside that zone.

Mr. Alarie: Let me just correct one thing. Actually, there's a restriction in the bylaw that pools can only be placed in the side or rear yard. This lot, as you can see from the arrangement, fronts on both Crane and Audubon so they have those 2 technical front yards. This is in a cluster development and the minimum front yard setback in that cluster development is only 18 ft. for principal structures. But, the basic reason that the appellant is here is to place a pool within what's considered a front yard by our bylaw.

Mr. Gordon: So, his back yard is a front yard?

Mr. Alarie: The back of the house faces Audubon; however, that's technically a front yard.

Mr. Rosen: There's no way to situate this at all?

Mr. Alarie: Only if the lot was wide enough to either side of the house.

Mr. George: Are there any more questions?

Mr. Gordon: I only have one to address to the building inspector. Are you sure this isn't going to float away?

Mr. Jervah: The inground pool?

Mr. Gordon: The inground pool. I would never empty it after it was built.

Mr. Jervah: I'm not sure I understand the question?

Mr. Alarie: Mr. Gordon questioned me that he was concerned as far as the bottom of the pool being below groundwater.

Mr. Gordon: Apparently it's not.

Mr. Alarie: My opinion is that, when they had to site those houses, they tried to establish what the lake elevation was to get a reading as to what ground water is. I don't know if you ever experience any type of water situation there, but we attempted to get the basement elevation above the lake elevation or what was high ground water.

Mr. Jervah: Nothing in our basement.

Mr. Alarie: Certainly, when the pool is full of water, there should be no difference in pressure between that and the backfill or ground water if that were present.

Mr. Gordon: I found out the hard way in Worcester. I had a pool. When I emptied it in the spring to clean it, I woke up the next morning and it was up. So, that's why I asked.

Mr. Jervah: No, there was a recent pool addition on the other side of Crane Circle, up the street, and there was no problem there.

Mr. Alarie: That land was excavated for the gravel operations that were conducted there. Then the grades were built back up considerably. One of our concerns was the question of what the fill material was. When they sited the houses, they had to do compaction tests or get down to natural grade. So, we were cautious as to, when that was developed, where natural grade was and where groundwater was.

Mr. L'Ecuyer: How long have you been living there?

Mr. Jervah: Five years.

Mr. Alarie: I would say that if nothing has happened this past spring that that is a good indication that ground water is not an issue.

Mr. Gordon: If you look across the street, the ball fields still haven't been accepted because of the water.

Mr. Alarie: Well, mostly that relates to the surface runoff and the grading that happens there. If you look across Audubon, you can see that retention area. I think the water elevation is substantially lower than the elevation at Crane Circle.

Mr. L'Ecuyer: You can actually put in a dry well at the bottom of the swimming pool to keep the water pumped out. I used to put pools in. That's what I did when I was in college. Every summer I put pools in. It can still be done. It's going to cost you some money, but it can be done.

Mr. George: Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Jeffrey and Karen Jervah, 11 Crane Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 14 ft. from the northerly sideline of Audubon Drive upon property located at 11 Crane Circle.

Upon review of this appeal, the board found that the subject premises is unique in its configuration whereby the depth of the lot fronts upon both Crane Circle and Audubon Drive. The Jervah's home faces and is accessed via Crane Circle and the rear of the structure faces Audubon Drive. In ordinary circumstances, the portion of the lot to the back of the house would normally be considered their rear yard; however, the Zoning Bylaw defines this area to be a front yard and, furthermore, precludes the placement of a swimming pool within such an area.

It was their opinion that, in this instance, the literal application of the minimum terms of the bylaw would preclude the placement of any type of such an accessory structure upon this lot thereby presenting a substantial hardship to the appellants. They found that the siting of the pool within this area at a minimum setback of 14 ft. from the sideline of Audubon Drive would not significantly depart from either the intent of the purpose of the aforementioned requirements and that it would not create any condition that would adversely affect the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Roy T. Guimond, 191 North Quinsigamond Ave. Shrewsbury, MA.

PURPOSE: To hear the appeal of T. Guimond, 191 North Quinsigamond Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, and for a special permit as required by Section IV, Subsection B,

to allow the construction of an addition to the dwelling 23 ft. from the northerly side lot line of property located at 191 North Quinsigamond Ave. and maintaining its existing front and side yard setbacks and to allow the construction of an addition to the detached garage situated thereon maintaining its existing side yard setback. The subject premises is described on the Shrewsbury Assessor's Tax Plate 25 as Plot 14.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen David A, L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 16, 2003 and June 23, 2003.

Mr. George: Please state your name for the record and then tell us what you would like to do.

Mr. Guimond: Roy T. Guimond. I've got some photographs here of the house. My wife, Claudette, and I have been living at this property for 24 years now. We're at the point where we need to expand. We've got 3 automobiles, actually 4 automobiles. We're cramped for storage space. It's a very small Cape. It was built in 1944. It is actually undersized, as Capes go. It's only 28 ft. x 23 ½ ft. So, we would like to expand and add a considerable amount of garage over what we've got now.

The existing garage, as well as the house, is a fieldstone foundation. The existing garage did not have footings when it was built in 1944 so that is one of the factors. In the existing garage the floor has settled and broken up. That, of course, would completely disappear and be replaced by another structure.

Mr. George: So, the existing garage is going to be dismantled?

Mr. Guimond: Yes.

Mr. George: What's going to be inside the new part of the building, just a garage?

Mr. Guimond: Just a garage down on the 1st floor and then the 2nd floor is going to be additional living space, probably a master bedroom.

Ms. Murphy: But there are 2 separate buildings here, though.

Mr. Guimond: Yes, I'm talking about the residence at this point. In order to facilitate us clearing the front garage I've got to have some place to put it and I've got a rear garage that I want to expand first. Probably, if everything goes well, next year we'll be implementing the front garage and probably the rear garage in order to provide enough storage space to move everything out of there.

Ms. Murphy: I'm confused. Ron, which one of these is the expansion that needs a special permit and which one is for a variance?

Mr. Alarie: The garage to the rear needs a special permit to expand that existing nonconforming structure. Although it's being pushed away from the property line, they're still within the 30 ft. setback.

Ms. Murphy: Okay.

Mr. Alarie: The addition to the front house needs a setback variance on the side. There is a need for special permits for the front and the southerly side.

Mr. Guimond: Yes, the southerly side was left out for some reason. I initially anticipated a 5 ft. variance on the northerly. It actually came out less than that. I've got Bouley Brothers doing an exact layout. It came out less. The advertised, I think, was a 7 ft. variance on the northerly side but that's not really required.

Mr. Alarie: All we had was a tax map that was submitted with the appeal. Since that time, I believe, he's had the formal survey done. So, that's kind of pinpointed what the dimensions are.

Mr. Guimond: Right.

Mr. L'Ecuyer: So, what exactly is the variance?

Mr. Alarie: It's that northerly side lot line.

Mr. L'Ecuyer: It's supposed to be 15 ft.?

Mr. Alarie: It's supposed to be 30 ft. and he's going to 26 ft.

Mr. George: And, you need it for the rear garage.

Mr. Alarie: He needs a special permit.

Mr. Rosen: The front is okay. The front only needs a special permit because it's already there.

Mr. Guimond: Actually, the front will be further back. I think because the lot is truncated, the lot is actually rotated. Bouley laid out the front just a little bit shy of 50 ft. But, he's illustrated that within the 50 ft. setback because if you make the measurement parallel with the lot line it's actually 56 ft.

Mr. L'Ecuyer: I can see that, yes. So, you're ripping the existing garage off of the house?

Mr. Guimond: Correct?

Mr. L'Ecuyer: You're putting up an addition on the back; a new garage to the side?

Mr. Guimond: Yes. It will actually go 24 ft. out and 32 ft. back, as illustrated.

Mr. Gordon: And, it will go from a single story to 2 stories?

Mr. Guimond: Right. What we actually did, Ron, is when I laid it out, I maximized the distance to the front to pull it away from the lot lines so that we wouldn't interfere with the back of the structure. So, I pulled the garage as far forward as I could so that 32 ft. wouldn't run too much more into the side setback.

Ms. Murphy: What are you going to do with the garage in the back; you've got that as 2 stories?

Mr. Guimond: I'm going to expand the garage in the back for storage. I'm going to actually add a 12 ft. bay towards the inside of the property plus go up.

Ms. Murphy: And, it's got a 2-story addition. The second floor is for storage only?

Mr. Guimond: Yes, right. Actually, it will be about a story and a half. I'm not going to go a full 2.

Mr. Rosen: Have you spoken to your neighbors on either side?

Mr. Guimond: Yes, I spoke to Bob Millette. He's aware of my desire, especially on the rear garage because that's closest to him.

Mr. Rosen: Right, okay. How about your neighbors directly across the street?

Mr. Guimond: No, not directly across the street, no.

Mr. Gordon: You call this a garage, the building in back, however there is no pavement or driveway or any indication that I can see that this is used as a garage unless maybe you drive maybe once or twice.

Mr. Guimond: Well, right now I've got ruts in the mud. I've got a truck. I have a carpentry business. It's a combination shop and garage. But, it was formerly used as a garage. Also, Arthur Carlson formerly had a painting company. He owned the house. In fact, he was the original builder. He used it for paint storage. It's been used as a garage ever since...

Mr. Gordon: So, will you be putting a driveway in there?

Mr. Guimond: Yes, that's part of the overall plan.

Mr. Gordon: An asphalt driveway will be put in there?

Mr. Guimond: Actually, I was more inclined to put in a double concrete strip just to tone down the... I don't like asphalt too much.

I have some small concept sketches that I made just to give you an idea of it architecturally. I had my daughter blow this up. The front on the Cape, you can't see it

in the picture because I only captured the garage, has got a couple of gable facing dormers plus a vestibule or gable facing dormer. I wanted to compliment that with...

Mr. Gordon: Where's the garage on there?

Mr. Guimond: That would be in here.

Mr. Gordon: Okay, so the window would come out in the garage, wouldn't it?

Mr. Guimond: Yes. Actually, there's nothing on this side right now. You've got the saltbox garage starting at this level. The ridge would be at this level going down. What I'm going to do is take advantage of the elevation, too. On the side there's a 3 ft. drop so I'm going to lower everything so that the ridge will actually come a little bit lower. It will be less obtrusive to the street.

Mr. Alarie: So, the garage doors will be on the side of the house?

Mr. Guimond: Right, the garage doors would be on the side of the house.

Mr. George: How many garages will there be?

Mr. Guimond: What I've got drawn is 3, 3 8 ft. bays plus additional...

Mr. Gordon: You said your business is what?

Mr. Guimond: Carpentry

Mr. Gordon: My question now, following that, will be is the garage, or building, in back going to be your carpentry office that you're going to run your business out of?

Mr. Guimond: Actually, no. Aside from a little bit of woodworking requiring a big table saw, my business is mostly on the road. I service the surrounding towns, mostly home repair and some light remodeling and some additions. But, most of my work actually is out on the road. I don't conduct business on the property as far as building things. Everything is built on site.

Mr. Gordon: Then your office will be in the house? Do you have a home office?

Mr. Guimond: Yes, I have a full office in the house, on the southerly side of the house. It was formerly a porch. I put an addition on; I think it was 15 years ago, on the opposite side. At which time, I also got a variance because of the proximity. I think it's only 7 ft. from the southerly property line.

I have classic a car that I'll be storing. It's currently in the front garage but when that goes away I'm going to be storing a classic car in the back garage.

Mr. Gordon: So, basically there will be 5 garages on this property?

Mr. Guimond: Bays, yes.

Mr. Gordon: And, an upstairs on the garage?

Mr. Guimond: Yes. In 24 years we've accumulated a lot of stuff. That's the reason why we've got to come up with a strategy so we can move things around and have enough storage.

Mr. George: On the main house garage, is there going to be a storage room above it?

Mr. Guimond: Not over the main house garage, no.

Mr. George: It's just going to be a garage, no living quarters or anything else?

Mr. Guimond: Over the garage, there probably will be a master bedroom above. You know, this is going to be a large area but probably a master bedroom. The exterior will be closed in. I'm planning on possibly hiring a framing crew. But, I'm doing the rest of the finish work myself inside. But, it will be closed off and at least finished to the exterior.

Mr. Gordon: Have you considered demolishing this and rebuilding it? You're building much more house than you've got now and it appears that you're saying the existing house is not firmly built. I just wondered if you considered demolishing it and starting over.

Mr. Guimond: That's been considered but, because of all of the closeness of the lots, we can't meet the setbacks. The whole entire neighborhood was built pretty much nonconforming. If I were ever to tear it down, I would not be allowed to build another one further back. The lots are tight. This is a hundred foot lot and, because of the 30 ft. side setbacks, you would have to build a very small house.

Mr. L'Ecuyer: The garage in the back, I guess I'm trying to figure out by the drawing here, is the final unit going to be 12 ft. x 28 ft.?

Mr. Guimond: The final unit, no. Actually, the addition will be 12 ft. x 28 ft. but the existing garage has to be factored into that.

Mr. L'Ecuyer: So, you're not knocking down the existing garage and creating a new one?

Mr. Guimond: No.

Mr. L'Ecuyer: You're adding to the existing one.

Mr. Guimond: I'm just adding to the southerly wall, basically, because the building is situated 5 ft. from the northerly property line and the building is 16 ft., existing. I'm just going to add 12 ft. to the south and basically make the building square, 28 ft. x 28 ft.

Mr. George: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition?

Mel, is there anything else?

Mr. Gordon: I'm thinking. This is a Rural-B, correct?

Mr. Guimond: Yes.

Mr. Gordon: No commercial is allowed in Rural-B, is there?

Mr. Alarie: No, other than home occupations and professional offices.

Mr. Gordon: That's my concern, really, this building in back. It seems to me as if it's too big to be a garage with storage and that. I have no problem with a garage, per say, but I do have problems with a commercial, although there are some commercial enterprises in the neighborhood that came before zoning.

Mr. Alarie: I think, as he's submitted to the board, it wasn't going to be used for that purpose. I think if you grant the relief requested you can incorporate into the decision that it shall not be used for business purposes.

Mr. Gordon: It's awfully hard to enforce, Mr. Alarie.

Mr. L'Ecuyer: How would it be enforced?

Mr. Alarie: Excuse me?

Mr. L'Ecuyer: How would it be enforced?

Mr. Alarie: If it came to our attention, and usually it's the neighbors, if there is any discernable activity they would be placing a call, we'd approach Mr. Guimond on that issue. If it was used for that purpose he would be issued a cease and desist order.

Mr. Gordon: The parcel's big enough.

Mr. Alarie: It's well within the percent of lot coverage. I think that if you look at the overall, that overall area of North Quinsigamond Avenue, for some reason it was placed in the Rural-B district which has some of the most severe setback requirements. Most of those lots that you see there are only 50 ft. or 100 ft. wide. He has one of the larger ones. When you factor in the 30 ft. side yard setbacks, it really constrains those properties. I think that's the biggest issue.

Mr. Rosen: Isn't it a long, narrow lot?

Mr. Alarie: Well, the lot is over 300 ft. deep.

Mr. Guimond: Actually, that particular lot has 5 numbers, 191 – 195. Originally, it was a 50 ft. lot.

Mr. George: Ron, what was the relief there?

Mr. Gordon: It was the Millette's house, I think, that we heard.

Mr. Alarie: I think you granted side yard variances there. I believe, originally, it was reduced to 15 ft. and it was further reduced down to 12 ft. I'm not exactly sure on the numbers, but there's a drain easement and there's a sewer easement that goes down and across to those properties.

Mr. Guimond: So, the back part of my property would not be developable because the sewer easement cuts right through it?

Mr. L'Ecuyer: When you started your presentation I thought you said something about your foundation settling?

Mr. Guimond: Oh, the existing. I was speaking about the existing front garage.

Mr. L'Ecuyer: The front garage?

Mr. Guimond: Yes, the existing front garage, the salt box in the picture.

Mr. George: So, that's the one that will be demolished?

Mr. Guimond: That's the one that's going to be demolished. Not so much in the picture because we're showing an angle, but if you look straight on the garage has actually settled. You can see the doors aren't square and the steps are off. The inside of the garage is actually caved. So, the garage really has to be taken out.

Mr. L'Ecuyer: What does the back garage look like? What is the structure? You don't have any pictures?

Mr. Guimond: The existing back garage is 2 x 4 framing. It's got a concrete floor. It's just a bare garage. I think it's insulated.

Mr. L'Ecuyer: Help me, where is the end of the property?

Mr. Gordon: Oh, the side. The garage is only 5.1 ft. from the property line.

Mr. Guimond: Yes.

Ms. Murphy: You've got it at 5.1 ft.

Mr. Guimond: What you're looking at here, the front of Bob Millette's structure is right there. This garage is right here. So, it's deceiving. It's actually staggered quite a bit. It's probably 75 or 80 ft.

Ms. Murphy: But you will be right next to his house?

Mr. Guimond: No, actually their property is closer to the lake.

Mr. L'Ecuyer: What's this sideline right here?

Mr. Guimond: The sideline here separates the left property from mine.

Mr. L'Ecuyer: That's not your property?

Mr. Guimond: No. This is Bob Millette's.

Mr. L'Ecuyer: This is your house?

Mr. Guimond: Yes.

Mr. L'Ecuyer: Okay.

Mr. Guimond: This is his addition, actually, that you're looking at from here. Then this garage is 5 ft. from the property line.

Mr. L'Ecuyer: Okay

Mr. George: How far is Mr. Millette's garage from the property line? It looks like they are almost side by side.

Mr. Guimond: Yes. Well, that's deceiving because of the angle of the shot. They are about 80 ft. apart this way.

Mr. Alarie: He's way behind that sewer easement.

Mr. George: Oh, okay.

Mr. Gordon: He's almost on the water.

Mr. Guimond: He's quite a ways away from me.

Mr. Alarie: I think my recollection is that the board originally granted him a variance to 20 ft. but then I think they reduced it down to 5 ft. on a second appeal.

Mr. L'Ecuyer: He's the neighbor?

Mr. Alarie: That's the neighbor, correct.

Mr. Gordon: He had about 3 variances, didn't he?

Mr. Alarie: Similar variances and special permits, yes.

Mr. Gordon: I'll start with the garage, the large garage in back. Is that just a cement pad or has it got something underneath it or what?

Mr. Guimond: Originally, that was on blocks. It's got a full sill, though. It's got about a 4 ft. by 6 ft. sill. So, what we did is we hand dug and poured a frost wall plus a slab. It's like a monolithic...

Mr. Gordon: It's just a slab; it doesn't have a basement at all?

Mr. Guimond: No, no basement.

Mr. Gordon: Now, the front garage, since I'm on garages, and the proposed addition, those will have a cement foundation, or something, that will tie into the cellar?

Mr. Guimond: Right. What I plan to do is actually have all the excavation and foundation work done at the same time for cost effectiveness and then gradually build the property in 2 phases, the rear garage first and then the front garage.

Mr. Gordon: So, the garage in the back, where are the bays going to face?

Mr. Guimond: I've got a little sketch. The bays will be facing forward with 2 gables facing, architecturally, to match what's going on in the front. My wife said the windows are a little bit much but it will probably be a lot simpler than the house. This will actually be a story and a half. I don't really care about head room so much up in the second story. Then, there will be 2 forward facing bays with the existing door as you see it on the picture there.

Mr. Gordon: And, that's a door with a walk in so that you'll have a stairway up to the second floor?

Mr. Guimond: Right, there's a door entrance and then you would have a stairway up inside.

Mr. Gordon: How tall will it be; how high will it be?

Mr. Guimond: It's probably only going to be a story and a half.

Mr. Gordon: What, 6 ft.?

Mr. Guimond: This will go 8 ft. plus another 6 ft. to the eaves and then up from that. It will be all stick built.

Mr. L'Ecuyer: So, the existing shed is going down?

Mr. Gordon: No, he's adding on.

Mr. Guimond: No, I'm just adding onto it.

Mr. Gordon: He's adding to it and he's adding a second story on all of it.

Mr. Guimond: It's got a novelty siding on it right now. I'm just going to maintain that, not get involved with expensive stripping of the exterior. I think this house was probably built at the same time as the house, 1944 or so.

Mr. George: What is novelty siding?

Mr. Guimond: It's a milled siding that was available with a tongue and groove design. It was popular in the 1950s.

Mr. George: Is it vertical or horizontal siding?

Mr. Guimond: It's horizontal siding. It goes up pretty fast. It's a type of cheap clapboard, basically.

Mr. Gordon: The garage looks like you've got a neighbor living down the street that lives in one of those if you built a garage with a second story on it in beige.

Mr. Guimond: The Barrons, maybe?

Mr. Gordon: I don't know who it is. Is that what this is ultimately, what it is going to end up being, somebody's domicile?

Mr. Guimond: I don't think so! I've already cleared that with Ron. It's for storage only.

Mr. L'Ecuyer: So, would he have a problem with putting plumbing in that?

Mr. Alarie: To convert it other than a garage it would need a building permit. Again, you're only allowed 1 residential building per lot.

Mr. Guimond: Unless I was to subdivide at some point. We don't want to get into that.

Mr. L'Ecuyer: So, he could put in plumbing without getting into a building permit?

Mr. Alarie: Well, he could put plumbing in if he wanted to put in a washroom or something like that, sure, but as far as creating another dwelling unit, no.

Mr. Guimond: I may end up heating it because it gets real cold out there during the winter.

Mr. George: What type of heat would that be, a woodstove?

Mr. Guimond: Actually, I have a coal stove in there right now. I'll probably just keep a coal stove and maybe put in something a little more modern for a backup. That's considerably down the road because our budget is going to be astronomical on this. I'll be doing most of the work myself. I had D&L Design take a look at some of the sketches that I've got. They quoted \$325 to \$450 for all of what I want to do. I'll tell you right now, it will be done gradually in stages.

Mr. George: Are there any other questions? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On July 1, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Roy T. Guimond, 191 North Quinsigamond Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, and for a special permit as required by Section IV, Subsection B, to allow the construction of an addition to the dwelling 26 ft. from the northerly side lot line of property located at 191 North Quinsigamond Ave. and maintaining its existing front and side yard setbacks and to allow the construction of an addition to the detached garage situated thereon maintaining its existing side yard setback.

The appellant's property fronts upon the westerly sideline of North Quinsigamond Ave. and extends to the shoreline of Lake Quinsigamond. It is a very deep lot, averaging approximately 350 ft. in depth with the single family home with an attached garage situated thereon located relatively close to the road. There is also a detached garage situated approximately 90 ft. to the rear of the dwelling. Both structures are nonconforming with respect to their setbacks from either the parcel's front or side lot lines or both. Mr. Guimond proposes to construct an addition to the rear and northerly side of his home, which would include the removal of the attached single car garage and its replacement with a three car garage. He also plans to construct a 12 ft. by 28 ft. addition to the detached garage.

Upon review of Mr. Guimond's request for a variance, the board found that, due to the size and shape of this parcel and the siting of the existing structures thereon, the literal application of the applicable terms of the bylaw would unduly restrict his ability to expand his home as he desires. They noted that this vicinity of North Quinsigamond Ave. consists of lots that were created and developed well before the adoption of current zoning and that they are predominately long and narrow, many only around 50 ft. wide. His property is one of the largest in the area and, even with the proposed expansion, it would have greater setbacks than many of the other homes in this area. The board was of the opinion that the reduction of the side yard setback to 26 ft. would not significantly derogate from the intent of the Zoning Bylaw or adversely impact the welfare of area residents.

Similarly, in considering the issuance of the special permits to allow Mr. Guimond to utilize the existing setbacks in his project, the board found that the expansion of both structures, as proposed, would not materially alter the nonconforming character of this property. It was their opinion that the completed structures would not create any condition which would adversely impact the welfare of other residents within the immediate neighborhood.

Finding that the requests satisfied the statutory requirements for the granting of the variance requested and the expansion of a nonconforming structure, it was unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes

Mr. Rosen	Yes
Mr. L'Ecuyer	Yes